

APPROVED: Mtg. No. 42-88

ATTEST:

Margaret R. Gearin

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 32-88

July 25, 1988

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chambers, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland on Monday, July 25, 1988, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Stephen N. Abrams Councilmember Viola D. Hovsepian

Councilmember David Robbins

ABSENT

Councilmember James F. Coyle

The Mayor in the Chair

In Attendance: City Attorney Paul T. Glasgow, City Clerk Margaret R. Gearin, Acting City Manager Rick Kuckkahn, Deputy Director of Public Works Gerry Morningstar.

Re: City Manager's Report

Acting City Manager Rick Kuckkahn reported the following:

1. The City hosted two participants in the Public Technology Inc. 1988 Summer Intern Program. Paul Folkes and Anna Nalenvanro were present to observe the Council meeting.
2. The City worked with playgrounds on a poster contest which complemented a presentation by Officer Lee Potter on Crime Prevention. The three

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poster winners were:

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|----|-----------------|---------------|
| 1. | Troy Lancaster | David Scull |
| 2. | Lesley Francis | Monument Park |
| 3. | Michael Pearson | Potomac Woods |

3. Rotary and City Employees who were involved in the Rockville Rotary Twilight Run Fest were congratulated. Thanks also were given to the City crews who put in a great deal of effort. A good time was had by all and the event gathered \$10,000 for our scholarship fund.

4. Summer in the Square will continue at 7:30 p.m. at Courthouse Square Park on August 2, 4, and 9, 1988.

5. On August 4, at 7:30 p.m., there will be a Child Care Task Force Meeting in the Boards and Commissions Room at City Hall.

6. A testing of the gas pipelines will occur between August 1 and early November. The affected pipeline is located at College Gardens, crossing north of Rockshire--Lakewood Country Club. The testing consists of emptying segments of the lines of natural gas by venting into the air and then running a device through the segment to ensure there are no areas in need of repair. The second phase will consist of repair if required. The final phase will be the replacement of water in the line with its normal cargo, natural gas. If there are any questions they can be referred to the Public Information Office.

7. The Potomac Area Council of Camp Fire will conduct a three-day course entitled "I'm PEER PROOF" starting tomorrow at the Lincoln Park Community Center. The course seeks to prevent peer pressure and helps youth to say "no" to all forms of anti-social behavior including, but not limited to, drugs, alcohol, and shoplifting. Two City staff members will also be trained to conduct similar training in the future.

8. A draft version of a new affirmative action plan is available for

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public review and comment. This draft plan, which is the result of extensive work by the City and consultants will be sent to the Human Rights Commission and groups such as the Montgomery County Chapter of the NAACP, the Concerned Citizens of the Rockville Area, the Black Ministers Conference of Montgomery County, Hispanics United for Rockville, and other interested organizations. Your comments and questions are welcomed and should be addressed to the Human Resources Officer, Cecil Keene, at Rockville City Hall, within the next thirty days so we can proceed with the final plan.

The Mayor also added his thanks to those who made the Rotary Run Fest successful and announced that on the previous Saturday, he and Councilmembers Abrams and Hovsepian attended the East Rockville Civic Association's Annual Picnic and Swim Meet.

Re: Proclamation: Rockville
Neighborhood Watch, "National
Night Out" - August 9, 1988

Proclamation No. 14-88

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 14-88, proclaiming August 9, 1988 as Rockville Neighborhood Watch, "National Night Out." The proclamation was read by Councilmember Robbins, at the request of the Mayor, in which it was urged that all citizens join to fight crime by having neighborhood watches that provide protection from criminal activities. The proclamation was presented to Anne Hedian, President of Rockville Watch. The Mayor introduced McGruff the Crime Dog and gave him special recognition for his work for the City of Rockville.

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Re: Appointments

Mayor Duncan made the following appointments with the concurrence of the Council:

Science and Technology Commission

John Evans, Chairman

Recreation and Parks Commission

Rabbi Reeve R. Brenner

Re: Citizens Forum

1. Kim Burke, resident of Rockville since 1978. Three years ago, he started a business requiring a dump truck. The City of Rockville laws required him to move his truck. He followed through with his right for a hearing, spent two days in court and received six months probation. Also, he can not leave the state and is required to move his truck from the driveway of his house. He believes that the Mayor and Council failed him and that his right to earn a living was denied. He is moving out of the city.

2. John Tyner, 5911 Halpine Road. He handed the Council an additional petition concerning the Rockville Pike Plan and added that it will be part of the agenda of the Twinbrook Citizens Association Executive meeting on August 3. Later, the plan will be the subject of a general meeting to be held in September. Regarding the Lewis Avenue special assessment project, Mr. Tyner reminded the Mayor and Council that in testimony about this sidewalk at the Public Hearing the neighbors affected by the project stated they do not want the sidewalk nor do they want to pay for it. He next requested an early scheduling of a work session with the Mayor, Council and the Cultural Arts Commission concerning the Civic Center Mansion.

3. Dr. James Moone, President of the Association of Concerned Citizens

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of the Rockville Area (ACCRA). He thanked the City for the first draft of the affirmative action plan. The Association will look at the draft and provide the Council with their comments. ACCRA is also looking into the transportation problem to the Seven Locks Detention Center. Mr. Moone asked the Council to use any leverage possible for assistance in providing better public transportation for the family members who visit the Center. Concerning the postal service, Mr. Moone requested an additional mail pickup after 6:30 p.m. otherwise, a letter mailed after 6:30 p.m. does not go out until the next day. Councilmember Robbins mentioned that the Postmaster of Rockville wants to hear and encourages input from the citizens and noted that this would be the right time for this suggestion. The Mayor said that they would move immediately on the Seven Locks busing problem. Mr. Moone added that any correspondence by the Council about this problem be copied and sent to ACCRA at P.O. Box 1493, Rockville, Maryland 20850.

4. Ruth Loevinger, 12 Lakeside Overlook. She handed the Mayor a drawing of the intersection of First Street and Baltimore Road. On Baltimore Road heading west, Mrs. Loevinger suggested that striping is needed since lanes are not clearly marked thus causing accidents. Councilmember Hovsepian said that she has had similar trouble at that intersection and has brought it to the attention of the City.

Re: Rejection of Contract Bid #11-
89, Printing of Rockville
Newsletter

Bids for printing Rockville Reports were sent to 24 firms. One bid was received from Comprint for \$34,263.54. The budget for this project total \$23,000. In checking with other firms that received bid packages, it was determined that the request for bids may have been inadvertently overlooked, and

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that if the project were re-bid, additional bids would be received.

On motion of Councilmember Hovsepian, duly seconded and passed by unanimous vote of all present, the Mayor and Council rejected Contract Bid #11-89 in order for firms to rebid on the project.

Re: Award of Annual Concrete
Maintenance Contract

This bid was opened at 3:00 p.m., Thursday, July 14, 1988 in the Mayor and Council Chambers of City Hall. Contract one includes concrete street maintenance, roadway spot improvements, drive apron program and storm water management improvement. Contract two includes water and sewer street repairs and traffic signal street repairs. Thirteen companies requested bid documents and, of that number, six were received as follows:

| <u>Company</u> | <u>CONTRACT ONE</u> | <u>CONTRACT TWO</u> |
|--|---------------------|---------------------|
| Nazario Construction Co. Beltsville, MD | \$526,996.25 | \$52,775.00 |
| Concrete General Gaithersburg, MD | \$541,175.00 | \$55,000.00 |
| Concrete Development Rockville, MD | \$590,622.50 | \$63,125.00 |
| Pito's Construction Co. Beaver Hts., MD | \$599,930.00 | \$66,500.00 |
| D&F Construction Co. Arlington, VA | \$621,092.50 | \$56,050.00 |
| J. Palmeiro Construction, Inc. Bethesda, MD | \$630,497.00 | No bid |

For Contract one, staff recommends an award of bid to low bidder Nazario Construction Company, Inc., in the amount of \$526,996.25 for the maintenance and improvements for streets and roadways at various locations in the City. For Contract two, Staff recommends an award of bid to low bidder Nazario Construction

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Company, Inc., in the amount of \$52,775 for water, sewer and traffic signal repairs.

On motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council awarded the annual concrete maintenance contract for maintenance, repairs, and improvements to the City's streets, sewers and traffic signals to Nazario Construction Company, Inc. in the respective amounts of \$526,996.25 and \$52,775.00

Re: Approval of Minutes

On motion of Councilmember Robbins, duly seconded and unanimously passed, the Minutes of Meeting No. 29-88 were approved as corrected.

Re: Decision and Instruction to Staff
on Contract for Two Pedestrian
Bridges

Pedestrian Bridge Rehabilitation Bid 10-89

This bid covers the removal and replacement of the existing decking on two pedestrian bridges. One crosses over Ritchie Parkway servicing Lakewood Elementary School. The other crosses the B&O/Metro tracks at New Street and primarily serves St. Mary's and Richard Montgomery schools. Notices were mailed to eleven companies, five bid packages were provided to prospective bidders and of this number, one bid was received:

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|---|--------------|
| Concrete General Inc., Gaithersburg, MD | \$159,500.00 |
|---|--------------|

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|--|-----------|
| Engineers estimate and budget appropriations | 80,000.00 |
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The objective is to have these bridges repaired by the beginning of school. Due to the urgency of the situation, it was recommended by the City Attorney, Paul Glasgow, that the staff should be allowed to look for other bids and to start repairs as soon as possible. Formal actions for ratification for the awarding of the bid would take place at a future meeting.

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On motion of Councilmember Abrams, duly seconded and unanimously passed the Council rejected Bid #10-89 and instructed staff to negotiate a bid closer to the estimate and to do what it takes to get the bridges repaired before school starts. The City Manager will authorize the projects and bring them back to the Mayor and Council for ratification.

Re: Status Report on West Montgomery
Avenue Special Assessment Project

The staff is currently reviewing the questions and comments contained in the transcript of the Montgomery Avenue public hearing. The matter of the level of assessment charges is also being examined by staff. A report will be prepared outlining the citizens comments and the staff's analysis of those comments. Costs from Pepco will be received in the next few days. The matter should be up for decision by September 13.

Re: Decision and Instruction to Staff
Regarding Lewis Avenue Special
Assessment Project

A petition was presented which listed affected owners opposed to the installation of a sidewalk even if the City were to contribute 100 percent. The Deputy Director of Public Works, Gerry Morningstar, stressed the public importance of this sidewalk which would serve Twinbrook Metro commuters who have to walk in the street to get to the Metro. Councilmember Hovsepien moved that the sidewalk be built and be paid for with 100 percent funding from the General Fund. This was seconded by Councilmember Robbins. Councilmember Abrams was opposed to this project because he was not persuaded that it is such a grievous problem and noted residents also did not want the sidewalk because of maintenance required. Mayor Duncan added that there are programs for snow removal. The Mayor agreed with Councilmember Hovsepien's motion, saying it was important to

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finish the sidewalk network in the City and that this part could be easily finished. With three aye votes from the Mayor, Councilmembers Hovsepian and Robbins, and one nay vote from Councilmember Abrams, the motion passed to build a sidewalk on Lewis Avenue with 100 percent General Fund participation and allowing a direct connection to the Twinbrook Metro Station.

Re: Decision and Instruction to Staff
Regarding Chapman Avenue Special
Assessment Project

This project was opposed by only one property owner, Richard O. Haas, Vice President of The Holladay Corporation, who felt the project should be delayed until the property is redeveloped. The Deputy Director of Public Works said that the street has traffic and that a sidewalk would provide safety and convenience. He saw no reason to wait and could not foresee any problems of conflict during the redevelopment. Councilmember Robbins remarked that the City does not know what kind of development will happen and that it could affect the trees and the new sidewalk. The Deputy Director of Public Works said that if such a problem arose, the City would take action to preserve the sidewalk. Councilmember Hovsepian mentioned that since businesses will benefit, they should be included in the assessment. Councilmember Hovsepian moved that the Chapman Avenue sidewalk be built as proposed with 100 percent Special Assessment. It was seconded by Councilmember Abrams. The motion to build a sidewalk on Chapman Avenue with 100 percent Special Assessment passed with three aye votes from the Mayor, Councilmembers Hovsepian and Abrams and one nay vote by Councilmember Robbins.

Re: Decision and Instruction to Staff
Regarding North Washington Street
Special Assessment Program

On a motion by Councilmember Abrams, duly seconded and unanimously passed,

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the Mayor and Council authorized that the North Washington Street sidewalk be built with a 100 percent assessment.

Re: Adoption of Ordinance to Grant
Text Amendment Application T-
88-88, Rockville Planning
Commission, Applicant, regarding
Use Permit Amendments and
Violations

Ordinance No. 22-88

On motion of Councilmember Abrams, duly seconded and unanimously passed, Ordinance No. 22-88 the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, authorizing the filing of Text Amendment Application T-88-88 to modify and clarify procedures for amending approved use permits and for dealing with use permit violations, was adopted by the Mayor and Council.

Re: Correspondence

1. Councilmember Hovsepian congratulated John Hayes, Steve Mader and Cal Wright for their efforts in the Gypsy Moth control program.

2. Councilmember Hovsepian thanked Ellen Elow-Mintz for her presentation at the Government Finance Officers Association (GFOA) National Conference in Atlanta. She understood that those attending the conference were much impressed by her presentation and how it reflected well on the City of Rockville.

Re: New Business

1. Councilmember Abrams asked for an update on the Urban Mass Transit Authority (UMTA) Grant. The City Manager said it was in the process of application and would get an update for the next FYI.

2. Councilmember Abrams asked for an update on the response to the meal option for Senior Citizens. The City Manager said he would pass that request along to Human Services to look into the matter.

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3. The Mayor tentatively set the next General Session for September 13 in order not to conflict with Rosh Hashanah. Councilmember Abrams said that he would confirm the date as soon as possible.

4. The Mayor saw no problems with the response to the Montgomery County Fire and Rescue Commission Task Forces Recommendations. He asked that the City Manager show the letter to Councilman Coyle.

Re: Adjournment

There being no further business to come before the Mayor and Council in the General Session, the meeting adjourned at 8:45 p.m. to convene again in General Session on Monday, August 8, 1988 at 7:30 p.m. or at the call of the Mayor.